

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4632 of 2020**

1. Rudra Prakash Puri S/o Shri Chandrashekhar Puri Goswami Aged About 32 Years Working As Teacher (NN) At Govt. Primary School Bhakara, Block Kurud, District Dhamtari Chhattisgarh,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Directorate Of Public Instruction, Indravati Bhawan, Block 3,1st Floor, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh
3. Joint Director Regional Office, Urban Administration And Development Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Nagar Panchayat Bhakhara Through Its Chief Municipal Officer, Nagar Panchayat Bhakara, District Dhamtari Chhattisgarh

---- Respondents

For Petitioner : Shri Vinod Deshmukh, Adv with Shri Ritesh Giri, Advocate.

For State : Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****02.12.2020**

1. The grievance of the petitioner in the present writ petition is the non acceptance of the past service rendered by the petitioner as Shikshakarmi Grade-II at the Nagar Panchayat Nagari District Dhamtari for the purpose of absorption in the Education Department .
2. The case of the petitioner is that initially the petitioner was appointed in the Panchayat Department as a Shikshakarmi Grade II and was posted at Nagar Panchayat Nagri District Dhamtari vide order dated 23.12.2011. Subsequently, in another recruitment process, the petitioner got selected again as a Shikshakarmi Grade II at a different

Nagar Panchayat i.e. Nagar Panchayat Bhakhara, District Dhamtaari vide order dated 07.07.2012 and since then, the petitioner is working on the post of Shikshakarmi Grade II.

3. According to the petitioner, for the purpose of grant of revised pay-scale on completion of eight years of service, the department had counted the previous service rendered by the petitioner at Nagar Panchayat Nagari and had extended the benefit of revised pay-sacle to the petitioner. However, the department as of now is not accepting the said past service rendered by the petitioner for the purpose of counting the total length of service required for absorption in the Education Department.
4. According to the petitioner his claim has also been recommended by the Chief Municipal Officer at the present place of posting for the purpose of absorption by taking into consideration the past service rendered by him at a different Nagar Panchayat.
5. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that taking into consideration the judgment rendered by this Court both in **WPS No.2530 of 2017 (Mukesh Kumar Patel and another Vs. State of Chhattisgarh and another)** read with the judgment of this court in **WPS No. 6147/2018 (Shabnum Khatun v. State of Chhattisgarh & Ors.)**, the respondents are directed to scrutinize the claim of the petitioner for the purpose of absorption and take an appropriate decision. Once when the department has already taken the past services of the petitioner for the purpose of grant of revised pay-scale, there does not seem to be any strong reason why the said benefit should not be extended also for the purpose of

considering the claim of the petitioner for absorption in the Education Department.

6. Let the respondents No. 2 & 3 take an appropriate decision in this regard after due verification of the individual details of the petitioner at the earliest preferably within a period of 90 days from the date of receipt of copy of this order. The petitioner would also be at liberty to file a fresh representation, if he so wants, in-respect-of his claim.
7. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**

Jyotijha